

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 WRIT PETITION NO.8658 OF 2022

PRAVIN DATTU PATIL
VERSUS
THE HONBLE CHIEF MINISTER, THROUGH ITS
SECRETARY AND OTHERS

....

Mr P. B. Patil (Borse), Advocate for petitioner;
Mr D. R. Kale, G.P. for respondent Nos.1 to 6
Mr Avinash Patil, Advocate for respondent No.8

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 17th November, 2022

PER COURT:

1. On 13/09/2022, we had passed the following order :-

1. *The petitioner is aggrieved by an ex-parte ad-interim order passed by the Hon'ble Chief Minister dated 29/07/2022, by which the order of the Additional Divisional Commissioner, Nashik Division, dated 21/07/2022, confirming the order of the District Collector of disqualifying respondent No.8 as the Sarpanch under Section 14 (1) (j- 3) of the Maharashtra Village Panchayat Act, has been stayed.*

2. *We have perused Section 16 (2) which permits the aggrieved party to challenge the order of the District Collector before the Commissioner by preferring an appeal within 15 days. The order of the Commissioner in such appeal is final.*

(2)

3. *Issue notice to the respondents, returnable on 03/10/2022. The learned Chief Government Pleader waives service of notice on behalf of respondent Nos.1 to 6. Mr. M. S. Sonawane, the learned Advocate, waives service of notice on behalf of respondent No.7.*

4. *On request, Humdast granted to serve respondent No.8, who is said to have refused private service at the behest of the petitioner.*

5. *We are staying the impugned order “Letter No.VPM-2022 / Pra.Kra.104/ Panra-6, dated 29/07/2022,” issued by respondent No.3. The proceedings before the Hon’ble Chief Minister or the Hon’ble Minister, as the case may be, shall be kept in abeyance.*

6. *Office objections with regard to page Nos.22, 27 and 28 stand overruled.”*

2. Respondent No.8 has been disqualified by the District Collector from continuing as a Sarpanch in view of his encroachment over the Government land, having been established, under Section 14 (1) (j-3) of the Maharashtra Village Panchayat Act. An affidavit-in-reply dated 17/11/2022 is tendered on behalf of respondent No.8. He has declared that, he would withdraw the proceedings, which were filed in the office of the Hon’ble Chief Minister, unconditionally. He has also tendered an apology for choosing a wrong forum.

(3)

3. In view of the above, this petition is partly allowed. The impugned proceedings filed by respondent No.8 in the office of the Hon'ble Chief Minister, bearing No.VPM-2022/*Pra. Kra. 104/Pra-6*, stands dismissed, as unconditionally withdrawn. Needless to state, the order of the District Collector would bind Respondent No.8.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk